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Message Text

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44
ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 AGR-05 CEA-01 CIAE-00 COME-00

DODE-00 FRB-03 H-01 INR-07 INT-05 L-02 LAB-04 NSAE-00

NSC-05 PA-01 AID-05 CIEP-01 SS-15 STR-01 TAR-01

TRSE-00 USIA-06 PRS-01 SP-02 FEAE-00 OMB-01 /087 W
---------- 124678
R 281605Z FEB 75
FM AMEMBASSY VALLETTA
TO SECSTATE WASHDC 6028
INFO AMEMBASSY ANKARA
AMEMBASSY ATHENS
AMEMBASSY NICOSIA

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E.O. 11652: N/A
TAGS: EINV, ETRD, MT
SUBJ: COUNTRY ELIGIBILITY FOR GENERALIZED PREFERNCES (GSP)
UNDER SECS. 502(B) (4) AND (6) OF TITLE V OF THE TRADE
ACT OF 1974.

REFS: A) STATE 31586; B) VALLETTA 1897, DEC. 17, 1974; C)
1151, JULY 5, 1974.

1. IF PRESEN NEGOTIATIONS DO NOT PRODUCE SATISFACTORY RESOLU-
TIONS OF THE CASES INVOLVED, EMBASSY BELIEVES THAT GOM ACTIONS
CONCERNING PROPERTY IN MALTA BELONGING TO TWO U.S. FIRMS,
WESTINGHOUSE (SEE REF B) AND ESSO (SEE REF C), COULD BE RELEVANT
TO THE QUESTION OF MALTA'S ELIGIBILITY FOR GENERALIZED PREFERNCES.

2. HOWEVER, IN NEITHER CASE HAVE LEGAL REMEDIES AVAILABLE TO
THE FIRMS UNDER MALTESE LAW BEEN EXHAUSTED. RE WESTINGHOUSE,
IT SHOULD BE NOTED THAT IN SEPTEMBER 1974 OPIC GUARANTEES WERE
REINSTATED FOR MALTA BASED ON OPIC'S DTERMINATION THAT THE
WESTINGHOUSE CASE WOULD BE EQUITABLY RESOLVED THROUGH THE
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MALTESE JUDICIAL SYSTEM. THE MALTESE COURTS SUBSEQUENTLY

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RULED IN DECEMBER 1974 THAT THE WESTINGHOUSE CASE IS SUBJECT TO ARBITRATION, AND ARBITRATION HEARINGS ARE TO BEGIN IN DUE COURSE. RE ESSO, PRIVATE NEGOTIATIONS BETWEEN ESSO AND GOM CONCERNING ESSO'S ASSETS IN MALTA ARE STYMIED AT THE MOMENT, BUT ESSO HAS NOT YET OPTED TO PURSUE THE MATTER IN THE COURTS, WHICH IT CERTAINLY HAS THE RIGHT TO DO.

3. NO OTHER RELEVANT CASES INVOLVING AMERICAN FIRMS ARE KNOWN TO THE EMBASSY.

4. COMMENT: UNDER CIRCUMSTANCES CITED ABOVE, EMBASSY DOES NOT CONSIDER SEC. 502(B) (4) AND (6) OF TITLE V OF THE TRADE ACT OF 1974 APPLICABLE TO MALTA AT THE PRESENT TIME. SMITH

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TRADE LAW, TEXT, GENERALIZED PREFERENCES (TARIFFS)
Control Number: n/a
Copy: SINGLE
Draft Date: 28 FEB 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: MorefiRH
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975VALLET00229
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750073-0986
From: VALLETTA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t1975021/aaaaaafn.tel
Line Count: 74
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 STATE 31586, 75 VALLETTA 1897, 75 DE17, 75 1974
Review Action: RELEASED, APPROVED
Review Authority: MorefiRH
Review Comment: n/a
Review Content Flags:
Review Date: 07 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <07 MAY 2003 by MartinML>; APPROVED <07 MAY 2003 by MorefiRH>
Review Markings:

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US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: COUNTRY ELIGIBILITY FOR GENERALIZED PREFERNCES (GSP) UNDER SECS. 502(B) (4) AND (6) OF TITLE V OF THE TRADE
TAGS: EINV, ETRD, MT
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006